

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**UNITED STATES OF AMERICA**

**CRIMINAL NO. 1: CR-01-018**

**v.**

**GEOVANNI DAVILA**

**ORDER**

Before the court is Defendant's motion for a rehearing. In his "wherefore" clause, he seeks leave to return to the court of appeals. It appears Defendant is claiming that his request for a rehearing before the court of appeals was denied because he did not file transcripts with the court of appeals, which he blames on the court reporter.

A review of the Third Circuit Court of Appeals docket reveals the following:

June 29, 2006

Denial of a certificate of appealability of district court ruling on 28 U.S.C. § 2255 motion.

December 21, 2006

Denial of a motion for reconsideration of an order of November 20, 2006 denying petition for extension of time to file petition for rehearing.

Thus, Defendant's claim that he was granted a rehearing is incorrect. Defendant was initially granted an extension of time by the circuit court to file a petition for rehearing. Furthermore, in response to his request to the court reporter for transcripts, the court reporter requested that Defendant

send to her the district docket number and a copy of the court order granting *in forma pauperis* status.<sup>1</sup> This information was never received.

This court cannot supersede the court of appeals denial of a rehearing before it. **IT IS THEREFORE ORDERED THAT** the motion for rehearing is **DENIED**.

s/Sylvia H. Rambo  
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SYLVIA H. RAMBO  
United States District Judge

Dated: January 26, 2007.

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<sup>1</sup>The court reporter contacted by Defendant was not the court reporter involved in Defendant's proceedings before the district court.